REMARKS

Claims 1-19, 21-28, and 30-38 remain pending in the instant application. Claims 1-19, 21-28, and 30-38 presently stand rejected. Claims 10, 14, and 22 are amended herein. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1-19, 21-28, and 30-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

An "applicant may use ... any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought." M.P.E.P. § 2173.01. Examiners "should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement." M.P.E.P. § 2173.02. "Definiteness of claim language must be analyzed, not in a vacuum, but in light of: (A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) ***The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made***" (Emphasis added). M.P.E.P. § 2173.02.

The Examiner rejected claims 1 and 33 stating, "the phrase 'activated carbon drain' renders the claim indefinite because it is unclear what is activated carbon drain." *Office Action* mailed August 5, 2003, page 2, section 2. Applicants respectfully submit that an "activated carbon drain" is not indefinite. In fact, claim 1 inherently defines the activated carbon drain as a component "to absorb outgassing compounds." Thus, an "activated carbon drain" is a component including carbon to drain outgassing compounds from the atmosphere by absorbing the outgassing compounds. One of ordinary skill in the art would clearly understand what is an "activated carbon drain ... to absorb outgassing compounds."

The Examiner further rejected claim 1 stating, "the phrase 'inert atmosphere' renders the claim indefinite because it is not clear what is inert atmosphere." Applicants respectfully submit that the recitation of "an inert atmosphere" is not indefinite. As

M.P.E.P. § 2173.02 requires, claim 1 must be analyzed in light of the interpretation that would be given by one of ordinary skill in the art. Applicants submit that one of ordinary skill in the art would understand an inert atmosphere to be an atmosphere that is not readily reactive. Furthermore, the phase must be analyzed in light of the application disclosure. The specification defines (and claim 12 recites) specific examples of the inert atmosphere. *See*, e.g., paragraph 59. The above comments are equally applicable to claim 22.

The Examiner rejected claim 2 stating, "the phrase 'gain medium emitting a beam' renders the claim indefinite because it is not clear how gain medium can emit a beam, the gain medium is not laser." Applicants are unable to find the phrase "gain medium emitting a beam" in claim 2. However, Applicants respectfully believe the Examiner intended this rejection for claim 14. Claim 14 now recites,

(a) a gain medium including **an active region** ...
(b) ... **said active region of said gain medium** to emit a beam along an optical path in said external cavity...

Thus, claim 14 has been amended to include an active region to emit the beam.

The Examiner rejected claim 22 stating, "the phrase 'vacuum baking' renders the claim indefinite because it is not clear what is vacuum baking. Again, claim 22 must be analyzed in light of the interpretation that would be given by one of ordinary skill in the art. Applicants respectfully submit that one of ordinary skill in the art would understand the phase "vacuum baking" to mean baking in a space in which the pressure is lower than atmospheric pressure.

Applicants believe the Examiner's § 112, second paragraph rejections of claims 1-19, 21-28, and 30-38 have been overcome. Accordingly, Applicants request that the instant § 112, second paragraph rejections be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-9, 11-13, and 33-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,592 B1 to Flanders in view of U.S. Patent No. 5,497,937 to Yoshikawa et al. ("Yoshikawa"). Applicants respectfully traverse the instant rejections.

"To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03.

Independent claims 1 and 33 both recite, in pertinent part, "an activated carbon drain positioned within said hermetically sealable container to absorb outgassing compounds. Applicants respectfully submit that the above-recited element is not disclosed, taught, or fairly suggested by the combination of Flanders and Yoshikawa.

As the Examiner acknowledged, "Flanders does not disclose an activated carbon drain." *Office Action* mailed August 5, 2003, page 4, section 3. Furthermore, Yoshikawa also fails to teach or suggest an activated carbon drain to absorb outgassing compounds. In fact, Yoshikawa discloses

> The packet containing a rust-proof agent comprises an **oxygen absorbing** agent which easily **absorbs oxygen** in a dry condition, and preferably an oxygen absorbing agent which is capable of absorbing not only oxygen, but also moisture and corrosive substances such as sulfur compounds and halogen compounds.

Yoshidawa, col. 3, lines 47-52 (emphasis added). However, a rust-proof agent comprising an oxygen absorbing agent fails to teach or suggest an activated **carbon drain** to absorb **outgassing compounds**. The Examiner cites column 7, lines 50-51 of Yoshidawa in support of this rejection. However, this portion of Yoshidawa discloses,

> The same materials may be used for a packet in which the organic compound is contained as that used for a packet in which the rust-proof composition is contained.
> The organic compound is normally held by a porous substances.

Yoshidawa, col. 7, lines 48-52. However, the above cited portion of Yoshidawa still fails to teach or suggest an activated carbon drain to absorb outgassing compounds. Furthermore, Yoshidawa discloses "heating the gas-impermeable container ... in order to cause the organic compound to volatize within the hermetically sealed container." *Yoshidawa*, col. 8, lines 2-7. Thus, Yoshidawa discloses volatizing (or causing to pass off in vapor) the organic compound, which is in direct opposition of an activated carbon drain to **absorb outgassing compounds.**

Consequently, the combination of Flanders and Yoshidawa fails to teach or suggest each and every element of independent claim 1 and 33, as required under M.P.E.P. Accordingly, Applicants request that the instant §103 rejection of claim 1 and 33 be withdrawn.

Claims 14-19, 21-28, and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Flanders in view of U.S. Patent No. 6,282,222 B1 to Wieser et al.

Amended independent claims 14 now recites, in pertinent part,

> (e) a heat source thermally coupled to at least one of said gain medium and said end mirror to maintain said at least one of said gain medium and said end mirror at a first temperature above a second temperature of said moisture trap when said gain medium is not powered to prevent condensation on said at least one of said gain medium and said end mirror.

Similarly, amended independent claim 22 now recites, in pertinent part,

> (c) providing a heat source thermally coupled to at least one of said external cavity and said laser source to maintain said at least one of said external cavity and said laser source at an elevated temperature when said laser source is not powered to prevent condensation on said at least one of said external cavity and said laser source ...

Support for the above amendments to claims 14 and 22 can be found in the specification, for example, in paragraph 38. Applicants respectfully submit that the prior art of record fails to disclose, teach, or fairly suggest the above-recited elements of independent claims 14 and 22. Accordingly, applicants request that the instant § 103 rejection of independent claims 14 and 22 be withdrawn.

Dependent claims 2-13, 15-19, 21, 23-28, 30-32, and 34-38 are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103(a) rejections for claims 2-13, 15-19, 21, 23-28, 30-32, and 34-38 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are

presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: Oct. 2, 2003

Cory G. Claassen
Reg. No. 50,296
Phone: (206) 292-8600

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on October 2, 2003
Date of Deposit

Christina Fernandez — October 2, 2003
Christina Fernandez — Date